

Date _____

| Fiscal Years | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------------------|------|-------|------|-------|------|
| Capital Expenditures | -0- | -0 - | -0- | - 0 - | -0 - |
| Operating Costs | -0- | -0 - | -0- | - 0 - | -0 - |
| External Revenues | -0- | - 0 - | -0- | - 0 - | -0 - |
| Program Income (County) | -0- | - 0- | -0- | - 0 - | -0 - |
| In-Kind Match (County) | -0- | - 0- | -0- | - 0 - | -0 - |

ADDITIONAL FTE POSITIONS (Cumulative)

Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Reporting Category _____

C. Departmental Fiscal Review:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

K. J. Jacobs 11/30/07
Contract Dev. and Control
11/29/07

11/20/15
Assistant County Attorney

Department Director

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ORDINANCE NO. 2007 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 90-1 AS AMENDED BY ORDINANCE NO. 95-42 AND ORDINANCE NO. 96-23, AS CODIFIED IN SECTIONS 15-36 THROUGH 15-64 OF THE PALM BEACH COUNTY CODE, "THE PALM BEACH COUNTY ORDINANCE FOR EQUAL OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC ACCOMMODATION;" PROVIDING FOR DEFINITIONS; PROVIDING FOR ADDITIONAL PROTECTED CLASS; PROVIDING FOR MEETINGS OF THE FAIR HOUSING BOARD; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the public policy of the United States of America to provide for fair housing and access to public accommodations throughout the United States and the policy of Palm Beach County, Florida, to also so provide; and

WHEREAS, discrimination in housing and in places of public accommodation deprives individuals of their basic right to associate, causes friction among groups in society, and adversely affects the public health, safety, and welfare; and

WHEREAS, the Board of County Commissioners enacted Ordinance No. 90-1, as amended by Ordinance 95-42 and 96-23, which provided for equal opportunity to housing and places of public accommodation; and

WHEREAS, the Board of County Commissioners wishes to further amend such ordinance in order to add an additional protected class.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Palm Beach County Ordinance No. 90-1, as amended by Ordinance 95-42 and Ordinance 96-23, as codified in Section 15-36 through 15-64 of the Palm Beach County Code be and hereby is amended as follows:

SECTION I. PURPOSE - ADDITIONAL PROTECTED CLASS: Sections 15-36 of the Palm Beach County Code shall be amended as follows:

It is hereby declared to be the policy of the board of county commissioners in the exercise of its police power for the public safety, public health, and general welfare to assure, within constitutional limitations, equal opportunity to all persons to live in available housing facilities regardless of race, sex, color, religion, national origin,

1 handicap, disability, familial status, sexual orientation, age, marital status, or gender
2 identity or expression, and, to that end, to prohibit discrimination in housing by any
3 person. It is also hereby declared to be the policy of the board of county commissioners
4 in the exercise of its police power for public safety, public health and general welfare to
5 assure, within constitutional limitations, equal opportunity to all persons, regardless of
6 race, sex, color, religion, national origin, ~~handicap-disability~~, familial status, sexual
7 orientation, age, ~~or-marital status~~ or gender identity or expression, to participate in the
8 full and equal enjoyment of the goods, services, facilities, privileges, advantages and
9 accommodations of a place of public accommodation.

10 **SECTION 2. OBJECTIVES OF THE BOARD – ADDITIONAL PROTECTED**

11 **CLASS:** Section 15-42(1) of the Palm Beach County Code shall be amended to
12 read as follows:

- 13 (1) To promote and encourage fair treatment and equal opportunity in housing
14 and public accommodation for all persons regardless of race, sex, color,
15 religion, national origin, ~~handicap-disability~~, familial status, sexual
16 orientation, age, ~~or-marital status~~, or gender identity or expression, to
17 promote and encourage mutual understanding and respect among such
18 persons and to endeavor to eliminate discrimination in housing and public
19 accommodation against and antagonism between such persons;

20 **SECTION 3. POWERS AND DUTIES OF THE BOARD – ADDITIONAL**

21 **PROTECTED CLASS:** Section 15-43(1) (a-b) of the Palm Beach County Code is
22 amended to read as follows:

- 23 (1) To refer or accept referral of complaints when appropriate and to cause,
24 through the office of equal opportunity, investigations of:
- 25 a. Tension or prejudice in relation to all housing and public
26 accommodation matters involving race, sex, color, religion, national
27 origin, ~~handicap-disability~~, familial status, sexual orientation, age,
28 ~~or-marital status~~, or gender identity or expression.
- 29 b. Discrimination against any person by any person with regard to
30 housing and public accommodation matters on the basis of race,
31 sex, color, religion, national origin, ~~handicap-disability~~, familial

1 status, sexual orientation, age, ~~or marital status~~, or gender identity
2 or expression.

3 **SECTION 4. POWERS AND DUTIES OF THE DIRECTOR – ADDITIONAL**

4 **PROTECTED CLASS:** Section 15-44(1) (a-b) of the Palm Beach County Code is
5 hereby amended to read as follows:

6 The powers and duties of the director and/or the director's designee shall be:

- 7 a. Tension or prejudice in relation to all housing and public
8 accommodation matters involving race, sex, color, religion, national
9 origin, ~~handicap~~, disability familial status, sexual orientation, age,
10 ~~or marital status~~, or gender identity or expression.
- 11 b. Discrimination against any person by any person with regard to
12 housing and public accommodation matters on the basis of race,
13 sex, color, religion, national origin, ~~handicap~~ disability, familial
14 status, sexual orientation, age, ~~or marital status~~, or gender identity
15 or expression.

16 In conducting an investigation the director and/or the director's designee shall
17 have access at all reasonable times to premises, records, documents, individuals, and
18 other evidence or possible sources of evidence and may examine, record the testimony
19 or statements of such persons as are reasonably necessary for the furtherance of the
20 investigation providing that the director and/or the director's designee complies with the
21 provisions of the federal and state constitutions relating to unreasonable searches and
22 seizures.

23 **SECTION 5. UNLAWFUL DISCRIMINARY PRACTICE IN PUBLIC**

24 **ACCOMMODATION – ADDITIONAL PROTECTED CLASS:** Section 15-57 of the
25 Palm Beach County Code shall be amended to read as follows:

26 It shall be an unlawful discriminatory practice for any person, being the owner,
27 lessee, proprietor, manager, superintendent, agent or employee of any place of public
28 accommodation, resort or amusement, because of the race, sex, color religion, national
29 origin, ~~handicap~~ disability, familial status, sexual orientation, age, ~~or marital status~~ or
30 gender identity or expression of any person directly or indirectly to refuse, withhold from
31 or deny to such person any of the accommodations, advantages, facilities or privileges

1 thereof that are afforded the other customers, directly or indirectly, to publish, circulate,
2 issue, display, post or mail any written or printed communication, notice or
3 advertisement, to the effect that any of the accommodations, advantages, facilities and
4 privileges of any such place shall be refused, withheld from or denied to any person on
5 account of race, sex, color, religion, national origin ~~handicap-disability~~, familial status,
6 sexual orientation, age, ~~or-marital status~~ or gender identity or expression or that the
7 patronage of any person belonging to any particular race, sex, color religion, national
8 origin, ~~handicap-disability~~, familial status, sexual orientation, age, ~~or-marital status~~ or
9 gender identity or expression is unwelcome, objectionable or not acceptable, desired or
10 solicited.

11 **SECTION 6. DISCRIMINATORY HOUSING PRACTICES – ADDITIONAL**
12 **PROTECTED CLASSES:** Section 15-58 (1-10) is hereby amended to read as follows:

13 Except as provided in section 15-62 hereof, it shall be an unlawful discriminatory
14 housing practice:

- 15 (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse
16 to negotiate for the sale or rental of, or otherwise make unavailable or
17 deny, a dwelling to any person because of race, sex, color, religion,
18 national origin, ~~handicap-disability~~, familial status, sexual orientation, age,
19 ~~or-marital status~~ or gender identity or expression.
- 20 (2) To discriminate against any person in the terms, conditions or privileges of
21 sale or rental of a dwelling, or in the provisions of services or facilities in
22 connection therewith, because of race, sex, color, religion, national origin,
23 ~~handicap-disability~~, familial status, sexual orientation, age, ~~or-marital~~
24 status, or gender identity or expression.
- 25 (3) To make, print or publish, or cause to be made, printed or published, any
26 notice, statement or advertisement, with respect to the sale or rental of
27 dwelling that indicates any preference, limitation or discrimination based
28 on race, sex, color, religion, national origin, ~~handicap-disability~~, familial
29 status, sexual orientation, age, ~~or-marital status~~ or gender identity or
30 expression or an intention to make any such preference, limitation or
31 discrimination.

- 1 (4) To place or display any other device either purporting to offer for sale,
2 leasing assignment, transfer or other disposition or tending to lead to the
3 belief that a bona fide offer is being made to sell, lease, assign, transfer or
4 otherwise dispose of any housing that is not in fact available or offered for
5 sale, lease, assignment, transfer or other disposition based on race, sex,
6 color, religion, national origin ~~handicap~~ disability, familial status, sexual
7 orientation, age, ~~or~~ marital status or gender identity or expression.
- 8 (5) To represent to any person because of race, color, religion, sex, national
9 origin, ~~handicap~~ disability, familial status, sexual orientation, age, ~~or~~
10 marital status or gender identity or expression that any dwelling is not
11 available for inspection, sale or rental when such dwelling is in fact so
12 available.
- 13 (6) To induce or attempt to induce any person to transfer an interest in any
14 housing by representations regarding the existence or potential proximity
15 of real property owned, used or occupied by any person of any particular
16 race, sex, color, religion, national origin ~~handicap~~ disability, familial status,
17 sexual orientation, age, ~~or~~ marital status or gender identity or expression.
- 18 (7) To promote, induce, influence or attempt to promote, induce or influence
19 by the use of postcards, letters, circulars, telephone, visitation or any
20 other means directly or indirectly, a property owner, occupant or tenant to
21 list for sale, sell, remove from, lease, assign, transfer or otherwise dispose
22 of any housing by referring as a part of a process or pattern of inciting
23 neighborhood unrest, community tension, or fear of racial, sexual, color,
24 religious, nationality ~~handicap~~ disability, familial status, sexual orientation,
25 age, ~~or~~ marital status or gender identity or expression change in any
26 street, block, neighborhood or any other area due to the race, sex, color,
27 religion, national origin ~~handicap~~ disability, familial status, sexual
28 orientation, age, ~~or~~ marital status or gender identity or expression of actual
29 or anticipated neighbors, tenants or prospective buyers of any housing.
- 30 (8) To cause to be made any untrue or intentionally misleading statement,
31 advertise or in any other manner attempt as part of a process or pattern of

1 inciting neighborhood unrest, community tension or fear of racial, sexual
2 color religious nationality, ~~handicap—disability~~, familial status, sexual
3 orientation, age, ~~or marital status~~ or gender identity or expression change
4 in any street, block, neighborhood, or any other area, to obtain a listing of
5 housing for sale, rental assignment transfer or other disposition, where
6 such statement, advertising or other representation is false or materially
7 misleading or where there is insufficient basis to judge its truth or falsity to
8 warrant making the statement, or to make any other such material
9 misrepresentation in order to obtain such listing, sale, removal from, lease,
10 assignment, transfer or other disposition of said housing.

11 (9) To make, as part of a process or pattern of discouraging the purchase,
12 rental, occupancy or other use of any housing in a particular block or
13 neighborhood area, any representation to a person known to be a
14 prospective purchaser that such block, neighborhood or area may
15 undergo, is undergoing or had undergone a change with respect to racial,
16 sexual, color, religious, nationality, ~~handicap—disability~~, familial status,
17 sexual orientation, age, ~~or marital status~~ or gender identity or expression
18 composition of such neighborhood, block or area.

19 (10) To place or display any device or to indicate by use of postcards, letters,
20 circulars, telephone, visitation or any other means, directly or indirectly,
21 either purporting to offer for sale, rental leasing, assignment, transfer or
22 other disposition, or tending to lead to the belief that a bona fide offer is
23 being made to sell, lease, assign, transfer or otherwise dispose of any
24 housing that is not in fact available or offered for sale, lease, assignment,
25 transfer, rental or other disposition based on race, sex, color, religion,
26 national origin, ~~handicap—disability~~, familial status, sexual orientation, age,
27 ~~or marital status~~ or gender identity or expression.

28 **SECTION 7. DISCRIMINATION IN THE FINANCING OF HOUSING**

29 **ADDITIONAL PROTECTED CLASS:** Section 15.59 of the Palm Beach county Code
30 shall be amended to read as follows:

31 It shall be an unlawful discriminatory housing practice of any bank, building and

1 loan association, insurance company or other corporation,, association, firm or
2 enterprise whose business consists in whole or in part in the making of commercial real
3 estate loans, to deny a loan or other financial assistance to any person applying
4 therefore for the purpose of purchasing, constructing, improving, repairing or
5 maintaining a dwelling or to discriminate against him/her in the fixing of the amount,
6 interest rate, duration, or other terms or conditions as such loan or other financial
7 assistance, because of the race, sex, color, religion, national origin, ~~handicap-disability,~~
8 familial status, sexual orientation, age, ~~or~~ marital status or gender identity or expression
9 of such person or any person associated with him/her in connection with such loan or
10 other financial assistance, or the purposes of such loan or other financial assistance of
11 the present or prospective owners, lessees, tenants or occupants, of the dwelling or
12 dwellings in relation to which such loan or other financial assistance is to be made or
13 given; provided, that nothing contained in this section shall impair the scope of
14 effectiveness of the exceptions set forth in section 15-62.

15 **SECTION 8. DISCRIMINATION IN THE PROVISION OF BROKERAGE**

16 **SERVICES – ADDITIONAL PROTECTED CLASS:** Section 15-60 of the Palm Beach
17 County Code is amended to read as follows:

18 It shall be an unlawful discriminatory housing practice to deny any person who is
19 otherwise professionally qualified by state law, and subject to the rules and regulations
20 of the Florida Real Estate Commission, provided the local board of realtors does not
21 discriminate in its membership policies on the basis of race, sex, color, religion, national
22 origin, ~~handicap-disability,~~ familial status, sexual orientation, age, ~~or~~ marital status or
23 gender identity or expression, access to or membership or participation in any multiple
24 listing service, real estate brokers' organization or other service, organization or facility
25 relating to the business of selling or renting dwellings, or to discriminate against any
26 person in the terms or conditions of such access, membership or participation, on
27 account of race, sex, color, religion, national origin ~~handicap-disability,~~ familial status,
28 sexual orientation, age, ~~or~~ marital status or gender identity or expression.

29 **SECTION 9. DISCRIMINATION – IN RESIDENTIAL REAL ESTATE RELATED**

30 **TRANSACTIONS – ADDITIONAL PROTECTED CLASS:** Sections 15-61 of the Palm
31 Beach County Code is hereby amended to read as follows:

1 It shall be an unlawful discriminatory housing practice for any person or
2 other entity whose business includes engaging in residential real estate related
3 transactions to discriminate against any person in making available such a transaction,
4 or in the terms or conditions of such a transaction because of race, sex, color, religion,
5 national origin, ~~handicap-disability~~, familial status, sexual orientation, age, ~~or-marital~~
6 status or gender identity or expression.

7 **SECTION 10. LIMITATIONS AND EXCEPTIONS – HOUSING PRACTICES –**

8 **ADDITIONAL PROTECTED CLASS:** Section 15-62 (a) of the Palm Beach County
9 Code is amended to read as follows:

10 (a) The prohibitions set forth in sections 15-57 through 15-80 shall not apply
11 to a religious organization, association or society, or any nonprofit institution or
12 organization operated, supervised or controlled by or in conjunction with a religious
13 organization, association or society, from limiting the sale, rental or occupancy of
14 dwellings which it owns or operates for other than commercial purposes to persons of
15 the same religion, or from giving preference to such persons, unless membership in
16 such religion is restricted on account of race, sex, color, national origin, ~~handicap~~
17 disability, familial status, sexual orientation, age, ~~or-marital status~~ or gender identity or
18 expression.

19 **SECTION II. DISABILITY:** Section 15-37(10) of the Palm Beach County Code
20 shall be amended to read as follows:

21 ~~Handicap-Disability~~ means with respect to a person.

22 a. Has a physical or mental impairment which substantially limits one (1) or more
23 major life activities.

24 b. Has a record of such an impairment; or

25 c. Is regarded as having such impairment.

26 d. “~~Handicap~~” “Disability” does not include current illegal use or addiction to a
27 controlled substance (as defined in Section 102 of the Controlled Substance Act
28 (21U.S.C.802)).

29 e. As used throughout this article, prohibitions against discrimination on the
30 basis of ~~handicap-disability~~ includes ~~handicaps-disabilities~~ of the buyer or renter, or of a
31 person residing in or intending to reside in that dwelling after it is sold, rented, or made

1 available, or of any person associated with the buyer or renter.

2 **SECTION 12. PERSONS WITH DISABILITY:** Section 15-58(11-13) of the
3 Palm Beach County Code shall be amended to read as follows:

4 (1) To refuse to permit, at the expense of a ~~handicapped person~~ with a disability,
5 reasonable modifications of existing premises occupied or to be occupied by such
6 person if such modifications may be necessary to afford such person full enjoyment of
7 the premises, except that, in the case of a rental, the landlord may, where it is
8 reasonable to do so, condition permission for a modification on the renter agreeing to
9 restore the interior of the premises to the condition that existed before the modification,
10 reasonable wear and tear excepted. The landlord may not increase for ~~handicapped~~
11 persons with disabilities any customarily required security deposit. However, where it is
12 necessary in order to ensure with reasonable certainty that funds will be available to pay
13 for the restorations at the end of the tenancy, the landlord may negotiate, as part of a
14 restoration agreement, a provision requiring that the tenant pay into an interest-bearing
15 escrow account, over a reasonable period, a reasonable amount of money not to
16 exceed the cost of the restorations. The interest in any such account shall accrue to the
17 benefit of the tenant.

18 (12) To refuse to make reasonable accommodations in rules, policies, practices
19 or services, when such accommodations may be necessary to afford a ~~handicapped~~
20 person with a disability equal opportunity to use and enjoy a dwelling.

21 (13) To fail to design and construct multifamily dwellings for first occupancy after
22 March 13, 1991, in such a manner that:

- 23 a. The public use and common use portions of such dwellings are
24 readily accessible to and usable by persons with a disability.
- 25 b. All the doors designed to allow passage into and within all premises
26 within such dwellings are sufficiently wide to allow passage by
27 ~~handicapped persons in~~ with disabilities who utilize wheelchairs;
28 and
- 29 c. All premises within such dwellings contain the following features of
30 adoptive design: Building entrances on an accessible route, an
31 accessible route into and through the dwelling; light switches,

1 electrical outlets, thermostats, and other environmental controls in
2 accessible locations, reinforcements in bathroom walls to allow
3 later installation of grab bars; and usable kitchen and bathrooms
4 such that an individual ~~in~~ who utilizes a wheelchair can maneuver
5 about the space;

- 6 d. Compliance with the appropriate requirements of the American
7 National Standards Institute for buildings and facilities providing
8 accessibility and usability for persons with physical disabilities
9 ~~physically handicapped people~~, commonly cited as ANSI. A 117.1-
10 1986, Suffices to satisfy the requirements of paragraph 13(d).

11 **SECTION 13. DEFINITION OF GENDER IDENTITY OR EXPRESSION:** Section
12 15-37(18) is added to the Palm Beach County Code and shall read as follows:

13 Gender Identity or Expression means a gender-related identity, appearance,
14 expression or behavior of an individual, regardless of the individual's assigned sex at
15 birth.

16 **SECTION 14. BOARD MEETING:** Section 15-41 of the Palm Beach County
17 Code is amended to read as follows:

18 The board shall meet ~~monthly~~ on a regular basis and as necessary to conduct
19 Administrative Hearings. Notice of the time and place of the meeting shall be given to
20 all board members and all parties scheduled to be heard, and shall be made public.
21 The chairperson may call an unscheduled meeting. Upon not less than twenty-four (24)
22 hours' notice, and meetings may also be called by the director upon the request of three
23 (3) members of the board. The County Administrator shall provide such staff as may
24 reasonably be required in his/her discretion to assist the board in the performance of its
25 duties. The County Administrator shall provide a regular meeting place for the board.

26 **SECTION 15. REPEAL OF LAWS IN CONFLICT:** All local laws and ordinances
27 applying to the unincorporated area of Palm Beach County, Florida in conflict with any
28 provisions of this ordinance are hereby repealed.

29 **SECTION 16. SEVERABILITY:** If any section, paragraph, sentence, clause,
30 phrase, or word of this ordinance is for any reason held by a court to be
31 unconstitutional, inoperative, or void, such holding shall not affect the remainder of this

1 ordinance.

2 **SECTION 17. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

3 The provisions of this ordinance shall become and be made a part of the Code of Laws
4 and Ordinances of Palm Beach County, Florida. The sections of this ordinance may be
5 renumbered or relettered to accomplish such, and the word "ordinance" may be
6 changed to "section", "article", or other appropriate word.

7 **SECTION 18. EFFECTIVE DATE:** The provisions of this ordinance shall
8 become effective upon filing with the Department of State.

9 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
10 Beach County, Florida, on this the _____ day of _____, 2007.

11
12
13 SHARON R. BOCK,
14 CLERK & COMPTROLLER
15 PALM BEACH COUNTY
16

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

17
18 By: _____
19 Deputy Clerk
20

By: _____
Addie L. Greene, Chairperson

21
22 APPROVED AS TO FORM AND
23 LEGAL SUFFICIENCY
24

25
26 By:  _____
27 County Attorney
28
29

30 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
31 _____, 2007.
32
33

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